

AMENDED IN SENATE JUNE 27, 2013

Senate Concurrent Resolution

No. 49

Introduced by Senator Knight
(Coauthors: Senators Berryhill, Fuller, Gaines, Huff, and Nielsen)

June 3, 2013

Senate Concurrent Resolution No. 49—Relative to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SCR 49, as amended, Knight. Firearms.

This measure would commemorate the 5-year anniversary of the District of Columbia v. Heller decision and the United States Supreme Court's interpretation of the Second Amendment's "right to keep and bear arms."

Fiscal committee: no.

1 WHEREAS, The United States Constitution is the supreme law
2 of the land and the foundation upon which all United States law
3 is built; and
4 WHEREAS, The Second Amendment to the United States
5 Constitution provides that "[a] well regulated Militia, being
6 necessary to the security of a free State, the right of the people to
7 keep and bear Arms, shall not be infringed"; and
8 WHEREAS, On June 26, 2008, the United States Supreme Court
9 issued its historic decision in District of Columbia v. Heller to
10 recognize that the Second Amendment serves to protect an
11 individual's right to keep and bear arms, unconnected to militia
12 service; and
13 WHEREAS, For centuries, tyrants have recognized that a
14 disarmed population is readily dominated. Moreover, two out of

1 three Americans recognize that their constitutional right to own a
2 gun was intended to ensure their freedom. To that end, the Heller
3 decision recognized that the right to keep and bear arms was
4 codified to, among other things, “safeguard against tyranny”; and

5 WHEREAS, Private, individual ownership and use of firearms
6 has existed in every American state throughout the nation’s history
7 and continues to this day as a cherished and fundamental aspect
8 of American culture; and

9 *WHEREAS, In the District of Columbia v. Heller decision, the*
10 *Supreme Court stated that the ruling has its limitations: “Like*
11 *most rights, the right secured by the Second Amendment is not*
12 *unlimited....Although we do not undertake an exhaustive historical*
13 *analysis today of the full scope of the Second Amendment, nothing*
14 *in our opinion should be taken to cast doubt on longstanding*
15 *prohibitions on the possession of firearms by felons and the*
16 *mentally ill, or laws forbidding the carrying of firearms in sensitive*
17 *places such as schools and government buildings, or laws imposing*
18 *conditions and qualifications on the commercial sale of arms”;*
19 *and*

20 WHEREAS, State lawmakers have a profound interest in this
21 case as guardians of their constituents’ health, welfare, and
22 constitutional rights; and

23 WHEREAS, June 26, 2013, will mark the fifth anniversary of
24 the District of Columbia v. Heller decision; now, therefore, be it

25 *Resolved by the Senate of the State of California, the Assembly*
26 *thereof concurring,* That the Legislature commemorate the
27 five-year anniversary of the District of Columbia v. Heller decision
28 and the United States Supreme Court’s true interpretation of the
29 Second Amendment’s “right to keep and bear arms”; and be it
30 further

31 *Resolved,* That the Secretary of the Senate transmit copies of
32 this resolution to the author for appropriate distribution.